

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 2:06-cr-169-WKW
)
DEMETRIOUS TERELL PEGUES, *et al.*)

ORDER

This case is before the court on the United States of America's ("Government") Motion to Continue Trial (Doc. # 275). The criminal case is currently set for trial during the August 6, 2007, trial term. For the reasons that follow, the court finds that the trial for all defendants should be continued pursuant to 18 U.S.C. § 3161(h).

While the grant of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the Court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1). However, the Act excludes from the 70 day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(8)(A).

The court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and all defendants in a speedy trial. This is a sixteen defendant case and the issues presented are complex. Further, the Government, in its motion to continue, represents that several defendants have presented information in hopes of reducing their sentences. The information

proffered is lengthy and necessitates an extension of the trial date. Additionally, the Government acknowledges that the discovery in this case is more voluminous in comparison to other criminal cases. Adequate review of discovery would merit an extension of the trial date. Accordingly, it is ORDERED that the Government's Motion to Continue Trial (Doc. # 275) is GRANTED. The trial in this matter *for all defendants* is continued from **August 6, 2007**, to the criminal term of court beginning on **November 5, 2007**. Any objections to the continuance of the trial date must be filed **on or before June 15, 2007**, specifying the grounds for objection and providing authority in support of the grounds.

DONE this 7th day of June, 2007.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE